



Miralle Settlement Agreement

From Miralle v. City of Oakland, Case no. 4:18-cv-06823-HSG Settlement Agreement (p. 3-7)

Notice

1. All postings will:
 - a. State the date of the intervention;
 - b. State the date of the posting;
 - c. Identify whether the intervention will take place over multiple days by stating the days on which the intervention will occur;
 - d. Be reposted if the intervention does not occur on the day (or time) as posted;
 - e. Include a 4-hour window for the intervention start time; and
 - f. Include contact information for homelessness services outreach.
2. Notices of closures will:
 - a. Be posted 7 days prior to an encampment closure (with exceptions for emergencies/urgent health and safety concerns - where less than 7-day notice, but as much notice as reasonably possible, will be given); unless the closure is a re-closure, defined as a subsequent closures of the same site that occur within 60 days of the initial 7-day notice of closure.
3. Notices of re-closures will:
 - a. Be posted 72-hours prior to an encampment re-closure, defined as subsequent closures of the same site that occur within 60 days of the initial 7-

day notice of closure.

4. Notices of all other interventions (e.g., deep cleanings) will:

- a. Be posted 72-hours prior to the intervention (with exceptions for emergencies/urgent health and safety concerns- where less than 72-hour notice, but as much notice as reasonably possible, will be given).

Property Retrieval

1. If the City collects property at a closure or intervention, the City will do the following:

- a. Post a notice of collected property at the closure/intervention site. The notice
 - i. of collected property must:
 - ii. State the address where the collected property will be stored,
 - iii. Direct individuals to call 311 to retrieve vital property, which is defined as identification (including social security cards) or medication, and
 - iv. State the hours of operation of the location where the collected property will be stored.
 - v. When storing collected property, the City must inventory and label
 1. collected property at the storage site, which includes labeling all stored
 2. property from a particular intervention site using the notice of
 3. intervention or notice of collected property that was posted at the
 4. intervention site at the time of collection.
- b. The City will make reasonable efforts to store collected property pursuant to the guidelines in the City's Standard Operating Procedures and maintain property in the condition it was in when it was collected with one exception: where practical, City employees who collect property will disassemble items prior to storing them where the items would be damaged if stored in an assembled state and make reasonable efforts to ensure that, when collected, usable property continues to be usable after retrieval.

2. The City must record collected or discarded property during or immediately after an intervention in the "Homeless Encampment Clean-up Checklist," created by the

Public Works Department or any subsequent version of this log for collected and discarded property.

3. The City will make all property collected and/ or stored from an intervention available for retrieval:
 - a. Within 48 hours from the end time of the intervention where it was collected;
 - b. At one of two locations in the City that will be identified on the notice of collected property;
 - c. In-person, with general information available by contacting the telephone number on the notice of collected property;
 - d. In-person without appointment, during a TO BE DETERMINED set of business hours and a TO BE DETERMINED set of after business hours and weekend hours. The City will identify the locations of storage and both sets of "TO BE DETERMINED" hours within 90 days of execution of this settlement agreement. The enforcement period for this provision begins the day after the City identifies both sets of "TO BE DETERMINED" hours; and
 - e. Within 24 hours if an individual indicates by contacting 311 that their vital property, as defined above, was inadvertently collected.

Weather

1. City will make reasonable efforts to:
 - a. Avoid closures in rain - if the rainfall will be 1.0. inches or more on the day of the intervention (with exceptions for emergencies/urgent health and safety concerns);
 - b. Avoid closures in extreme heat or extreme cold - between 8 a.m. and 8 p.m. on the day of the intervention, if the high temperature is at or exceeds 90 degrees or the low temperature is at or below 42 degrees as determined by the National Weather Service (with exceptions for emergencies/urgent health and safety concerns);
 - c. Avoid closures with poor air quality - if the air quality index on the day of the intervention is 201 or higher ["very unhealthy"] as determined by the official U.S. Air Quality Index, reported on www.airnow.gov (with exceptions for emergencies/urgent health and safety concerns).
2. The decision about whether an intervention will proceed based on the forecasted weather conditions will be made:
 - a. 48 hours prior to the start time of a closure on a Wednesday, Thursday, or Friday; and
 - b. 96 hours prior to the start time of a closure on a Monday or a Tuesday.

3. If a closure is canceled because of a weather-related decision, the City will inform impacted individuals of the cancelation with verbal or written notice.
4. If the City commences a closure, it will continue to perform the closure despite changes in weather conditions that would have prevented the initial commencement of the intervention, unless weather and working conditions are deemed unsafe for staff by the City Administrator's Office or the person(s) with designated authority.

Mitigation

1. The City will continue to mitigate conditions in encampments - e.g. provide garbage run, porta-potties, hygiene stations, deep cleanings, outreach, etc. - to address health/safety concerns. The City will make reasonable efforts to provide mitigations that it deems beneficial for an encampment. The City's mitigation efforts may be limited by financial and personnel resources, or policy considerations.